

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendments, Claims 1-18 are pending in the present application. Claims 1-9 are amended; and Claims 10-18 are added by the present amendment. No new matter is added.

In the outstanding Office Action, the specification was objected to; Claims 1, 2, and 3 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,917,865 to Kopmeiners et al. (hereinafter "Kopmeiners"); Claim 4 was rejected under 35 U.S.C. 103(a) as unpatentable over Kopmeiners in view of U.S. Publication No. 2003/0027610 to Loke; Claim 5 was rejected under 35 U.S.C. 103(a) as unpatentable over Kopmeiners and Loke in view of U.S. Patent No. 5,805,643 to Seki et al. (hereinafter "Seki"); Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as unpatentable over Kopmeiners in view of U.S. Patent No. 5,812,025 to Shimazaki; Claim 8 was rejected under 35 U.S.C. 103(a) as unpatentable over Kopmeiners and Loke in view of Shimazaki; and Claim 9 was rejected under 35 U.S.C. 103(a) as unpatentable over Kopmeiners, Loke, Seki in view of Shimazaki.

Regarding the objection to the specification, the specification is amended in view of the Examiner's comments. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

Regarding the objection the claims, the section heading of the claims is amended in view of the Examiner's comments. Accordingly, Applicant respectfully requests that the objection to the claims be withdrawn.

Applicant now respectfully traverses all rejections of the claims, summarized above, as anticipated by or unpatentable over Kopmeiners.

Though they are different in scope, each of amended independent Claims 1-5 recites an operating mode selection unit configured to select one of a plurality of operating modes characterized by different gain updating periods in accordance with a one-frame average value and a one-slot average value of the output from an analog-to-digital converter; and further recites that one frame includes a plurality of slots.<sup>1</sup> Claims 6-9 depend from Claims 1-5.

In each of the rejections, the outstanding Office Action cites Kopmeiners as teaching the selection of a gain updating period in accordance with a variation in output of an analog-to-digital converter. The Office Action does not address whether Kopmeiners teaches the selection of different gain updating periods in accordance “with a one-frame average value and a one-slot average value.” Applicant submits that Kopmeiners does not teach that feature. Rather, Kopmeiners teaches the selection of a search mode or direct step mode in accordance with a peak-hold determination or average peak-level determination.<sup>2</sup>

Accordingly, for the above-stated reasons, Applicant respectfully requests that all rejections of the claims, summarized above, as anticipated by or unpatentable over Kopmeiners be withdrawn. Applicant submits that Loke, Shimazaki, and Seki do not cure the above-noted deficiency of Kopmeiners.

New dependent Claims 10-14 are added to recite further limitations of the claimed operating mode selection unit.<sup>3</sup> New independent Claims 15 and 17 are added to recite the subject matter of Claim 1 in method claim format and means-plus-function format, respectively. New dependent Claims 16 and 18, which depend from Claims 15 and 17, respectively, are added to recite the subject matter of Claims 10-14.<sup>4</sup> Applicant submits that

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<sup>1</sup> For support, see Specification, page 14, line 20 – page 15, line 1; page 15, line 30 – page 16, line 20; and page 17, lines 5-18.

<sup>2</sup> Kopmeiners, col. 5, lines 8-25; col. 6, lines 24-45.

<sup>3</sup> For support, see Specification, page 17, line 5 – page 18, line 3.

<sup>4</sup> Support for new Claims 10-18 is evident from the correspondence to Claims 1 and 10-14.

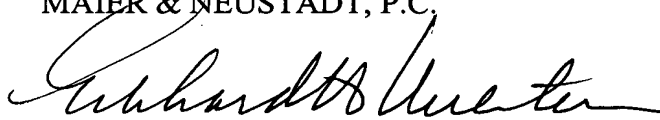
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Claims 10-18 patentably define over the applied references for at least the same reasons provided with respect to Claims 1-5.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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